

SECOND REGULAR SESSION

HOUSE BILL NO. 1796

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOUGHTON (Sponsor), GUERNSEY, HOUGH, ROWLAND,
SCHATZ, NETH, PHILLIPS, ASBURY, REDMON, SMITH (150), LOEHNER, RIDDLE,
BROWN (116) AND CRAWFORD (Co-sponsors).

5826L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 578, RSMo, by adding thereto ten new sections relating to crimes involving agricultural operations, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 578, RSMo, is amended by adding thereto ten new sections, to be
2 known as sections 578.670, 578.672, 578.674, 578.676, 578.678, 578.680, 578.682, 578.684,
3 578.686, and 578.688, to read as follows:

**578.670. 1. A person commits the crime of animal facility tampering if such person
2 acts without the consent of the owner of an animal facility to willfully:**

3 **(1) Damage, destroy, or alter property kept at the animal facility, including but not**
4 **limited to land, fixtures, structures, equipment, machinery, vehicles, records, or computer**
5 **software or data;**

6 **(2) Kill or injure an animal maintained at the animal facility, including by an act**
7 **of violence or the transmission of a disease, including but not limited to any infectious or**
8 **contagious disease designated by the department of agriculture;**

9 **(3) Take by theft an animal maintained or other property kept at the animal**
10 **facility; or**

11 **(4) Disrupt operations conducted at the animal facility, if the operations directly**
12 **relate to agricultural production, animal maintenance, educational or scientific purposes,**
13 **or veterinary care.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 **2. A person who commits the crime of animal facility tampering is guilty of the**
15 **following:**

16 **(1) Animal facility tampering in the first degree when the result of the crime is**
17 **damages incurred by the owner of the animal facility of more than one hundred thousand**
18 **dollars. Animal facility tampering in the first degree is a class C felony;**

19 **(2) Animal facility tampering in the second degree when the result of the crime is**
20 **damages incurred by the owner of the animal facility of more than ten thousand dollars**
21 **but not more than one hundred thousand dollars. Animal facility tampering in the second**
22 **degree is a class D felony;**

23 **(3) Animal facility tampering in the third degree when the result of the crime is**
24 **damages incurred by the owner of the animal facility of more than one thousand dollars**
25 **but not more than ten thousand dollars. Animal facility tampering in the third degree is**
26 **a class A misdemeanor;**

27 **(4) Animal facility tampering in the fourth degree when the result of the crime is**
28 **the damages incurred by the owner of the animal facility of more than three hundred**
29 **dollars but not more than one thousand dollars. Animal facility tampering in the fourth**
30 **degree is a class B misdemeanor;**

31 **(5) Animal facility tampering in the fifth degree when the result of the crime is**
32 **damages incurred by the owner of the animal facility of three hundred dollars or less.**
33 **Animal facility tampering in the fifth degree is a class C misdemeanor.**

34 **3. A person who participates in a conspiracy to commit the crime of animal facility**
35 **tampering and who acts in furtherance of that commission is guilty of the same crime as**
36 **the person who pleads guilty to or is found guilty of committing the crime on or in the**
37 **animal facility.**

38 **4. A person who pleads guilty to or is found guilty of animal facility tampering is**
39 **liable for restitution for any damages incurred in the commission of the crime.**

40 **5. In determining the value of damages incurred by an owner of an animal facility**
41 **under this section, the court shall calculate the actual and consequential pecuniary losses**
42 **resulting from the commission of the crime.**

578.672. 1. A person commits the crime of animal facility interference if such
2 **person acts without the consent of the owner of an animal facility to willfully:**

3 **(1) Produce a record which reproduces an image or sound occurring at the animal**
4 **facility when:**

5 **(a) The record is created by such person while at the animal facility; or**

6 **(b) The record is a reproduction of a visual or audio experience occurring at the**
7 **animal facility, including but not limited to a photographic or audio medium;**

8 (2) Possess or distribute a record which produces an image or sound occurring at
9 the animal facility which was produced as provided in subdivision (1) of this subsection;

10 (3) Exercise control over the animal facility, including an animal maintained at the
11 animal facility or other property kept at the animal facility, with intent to deprive the
12 animal facility of the animal or property; or

13 (4) Enter onto the animal facility or remain at the animal facility if such person has
14 notice that the facility is not open to the public. A person has notice that an animal facility
15 is not open to the public if the person is provided notice before entering onto the facility
16 or the person refuses to immediately leave the facility after being informed to leave. The
17 notice may be in the form of a written or verbal communication by the owner, a fence or
18 other enclosure designed to exclude intruders or contain animals, or a sign posted which
19 is reasonably likely to come to the attention of an intruder and which indicates that entry
20 is forbidden.

21 2. A person who commits the crime of animal facility interference is guilty of a class
22 A misdemeanor. Any second or subsequent violation is a class D felony.

23 3. A person who pleads guilty to or is found guilty of the crime of animal facility
24 interference is liable for restitution for any damages incurred in the commission of the
25 crime.

 578.674. 1. A person commits the crime of animal facility fraud if the person
2 willfully:

3 (1) Obtains access to an animal facility by false pretenses for the purpose of
4 committing an act not authorized by the owner of the animal facility; or

5 (2) Makes a false statement or representation as part of an application to be
6 employed at the animal facility, if the person knows it to be false.

7 2. A person who commits the crime of animal facility fraud is guilty of a class A
8 misdemeanor. Any second or subsequent violation is a class D felony.

9 3. A person who pleads guilty to or is found guilty of the crime of animal facility
10 fraud is liable for restitution for any damages incurred in the commission of the crime.

 578.676. 1. A person incurring damages as a result of the commission of the crime
2 animal facility tampering as provided in section 578.670 or animal facility interference as
3 provided in section 578.672 may bring an action against the person causing the damages
4 to recover an amount equal to three times all actual and consequential damages, and court
5 costs and reasonable attorney fees.

6 2. In addition to awarding damages as provided in subsection 1 of this section, the
7 court may grant any equitable relief that the court determines is appropriate. Nothing in
8 this section shall prevent a party from petitioning a court for equitable relief.

578.678. 1. Section 578.670 or 578.672 does not prohibit any conduct of a person holding a legal interest in an animal facility, an animal maintained at the animal facility, or other property kept at the animal facility when such legal interest is superior to the legal interest held by a person incurring damages resulting from the conduct.

2. Section 578.670 or 578.672 does not apply to:

(1) A governmental agency or officer who is taking lawful action involving an animal facility, an animal maintained at the animal facility, or other property kept at the animal facility; or

(2) A veterinarian licensed under chapter 340 and practicing veterinary medicine according to customary standards of care.

578.680. 1. A person commits the crime of crop operation tampering if the person acts without the consent of the owner of a crop operation to willfully:

(1) Damage, destroy, or alter property kept at the crop operation, including but not limited to land, fixtures, structures, equipment, machinery, vehicles, records, or computer software or data;

(2) Destroy or injure a crop maintained at a crop operation, including by an act of violence or the transmission of a disease including but not limited to any disease or pests;

(3) Take by theft a crop maintained or other personal property kept at the crop operation; or

(4) Disrupt operations conducted at the crop operation, if the operations directly relate to agricultural production, crop maintenance, educational or scientific purposes, or horticultural care.

2. A person who commits the crime of crop operation tampering is guilty of the following:

(1) Crop operation tampering in the first degree when the result of the crime is damages incurred by the owner of more than one hundred thousand dollars. Crop operation tampering in the first degree is a class C felony;

(2) Crop operation tampering in the second degree when the result of the crime is damages incurred by the owner of the crop operation of more than ten thousand dollars but not more than one hundred thousand dollars. Crop operation tampering in the second degree is a class D felony;

(3) Crop operation tampering in the third degree when the result of the crime is damages incurred by the owner of the crop operation of more than one thousand dollars but not more than ten thousand dollars. Crop operation property tampering in the third degree is a class A misdemeanor;

26 **(4) Crop operation tampering in the fourth degree when the result of the crime is**
27 **damages incurred by the owner of the crop operation of more than three hundred dollars**
28 **but not more than one thousand dollars. Crop operation tampering in the fourth degree**
29 **is a class B misdemeanor;**

30 **(5) Crop operation tampering in the fifth degree when the result of the crime is**
31 **damages incurred by the owner of the crop operation of three hundred dollars or less.**
32 **Crop operation tampering in the fifth degree is a class C misdemeanor.**

33 **3. A person who participates in a conspiracy to commit the crime of crop operation**
34 **tampering and who acts in furtherance of that commission is guilty of the same crime as**
35 **the person who pleads guilty to or is found guilty of committing the crime on or in the crop**
36 **operation.**

37 **4. A person who pleads guilty to or is found guilty of crop operation tampering is**
38 **liable for restitution for any damages incurred in the commission of the crime.**

39 **5. In determining the value of damages incurred under this section, the court shall**
40 **calculate the actual and consequential pecuniary losses resulting from the commission of**
41 **the crime.**

578.682. 1. A person commits the crime of crop operation interference if the person
2 **acts without the consent of the owner of a crop operation to willfully:**

3 **(1) Produce a record which reproduces an image or sound occurring at the crop**
4 **operation when:**

5 **(a) The record is created by the person while at the crop operation; or**

6 **(b) The record is a reproduction of a visual or audio experience occurring at the**
7 **crop operation, including but not limited to a photographic or audio medium;**

8 **(2) Possess or distribute a record which produces an image or sound occurring at**
9 **the crop operation which was produced as provided in subdivision (1) of this subsection;**

10 **(3) Exercise control over the crop operation, including a crop maintained at the**
11 **crop operation or other property kept at the crop operation, with intent to deprive the crop**
12 **operation of the crop or property; or**

13 **(4) Enter onto the crop operation or remain on or in the crop operation if the**
14 **person has notice that the crop operation is not open to the public. A person has notice**
15 **that a crop operation is not open to the public if the person is provided notice before**
16 **entering onto the crop operation or the person refuses to immediately leave the crop**
17 **operation after being informed to leave. The notice may be in the form of a written or**
18 **verbal communication by the owner, a fence or other enclosure designed to exclude**
19 **intruders or contain crops, or a sign posted which is reasonably likely to come to the**
20 **attention of an intruder and which indicates that entry is forbidden.**

21 **2. A person who commits the crime of crop operation interference is guilty of a**
22 **class A misdemeanor. Any second or subsequent violation is a class D felony.**

23 **3. A person who pleads guilty to or is found guilty of the crime of crop operation**
24 **interference is liable for restitution for any damages incurred in the commission of the**
25 **crime.**

578.684. 1. A person commits the crime of crop operation fraud if such person
2 **willfully:**

3 **(1) Obtains access to a crop operation by false pretenses for the purpose of**
4 **committing an act not authorized by the owner of the crop operation; or**

5 **(2) Makes a false statement or representation as part of an application to be**
6 **employed at a crop operation, if the person knows it to be false.**

7 **2. A person who commits the crime of crop operation fraud is guilty of a class A**
8 **misdemeanor. Any second or subsequent violation is a class D felony.**

9 **3. A person who pleads guilty to or is found guilty of the crime of crop operation**
10 **fraud is liable for restitution for any damages incurred in the commission of the crime.**

578.686. 1. A person incurring damages resulting from the commission of the crime
2 **of crop operation tampering as provided in section 578.680 or the crime of crop operation**
3 **interference as provided in section 578.682 may bring an action against the person causing**
4 **the damage to recover an amount equaling three times all actual and consequential**
5 **damages, and court costs and reasonable attorney fees.**

6 **2. In addition to awarding damages as provided in subsection 1 of this section, the**
7 **court may grant any equitable relief that the court determines is appropriate. Nothing in**
8 **this section shall prevent a party from petitioning a court for equitable relief.**

578.688. 1. Section 578.680 or 578.682 does not prohibit any conduct of a person
2 **holding a legal interest in a crop operation, a crop maintained at the crop operation, or**
3 **other property kept at the crop operation when such legal interest is superior to the legal**
4 **interest held by a person incurring damages resulting from the conduct.**

5 **2. Section 578.680 or 578.682 does not apply to a governmental agency or officer**
6 **who is taking lawful action involving a crop operation, a crop maintained at the crop**
7 **operation, or other property kept at the crop operation.**

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